

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
SMITH PERCINTHE,
:

Plaintiff,
:

- against -
:

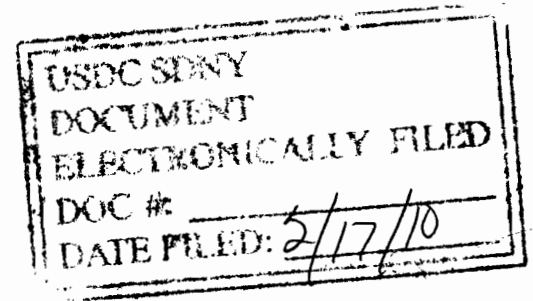
PAUL JULIEN,
:

Defendant.
:
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SHIRA A. SCHEINDLIN, U.S.D.J.:

Order

08 Civ. 0893 (SAS)

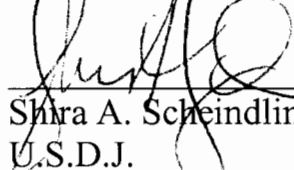


On January 25, 2009, a jury returned a verdict in favor of defendant Paul Julien in this case. Approximately a week later, plaintiff Smith Percinthe submitted a hand-written letter requesting a new trial “because of the disagreement with jury over the evidence that weighs in the light of my favor to the physical force claim.” Although the exact meaning of this contention is unclear, construed liberally, Percinthe is requesting a new trial pursuant to Federal Rule of Civil Procedure 59 on the ground that the verdict was “against the weight of the evidence.”¹ This request is without merit and hence denied. In addition, because Percinthe is represented by counsel he has no right to file *pro se* motions and

¹ *Lightfoot v. Union Carbide Corp.*, 110 F.3d 898, 910 (2d Cir. 1997).

should refrain from doing so in the future.²

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
February 3, 2010

² See *Lidner v. American Exp. Corp.*, No. 06 Civ. 3834, 1010 WL 157500, *1 (S.D.N.Y. January 11, 2010) (“There is no right to ‘hybrid representation’ in which the plaintiff represents himself for some issues and has counsel for other issues.” (quoting *O’Reilly v. New York Times Co.*, 692 F.2d 863, 868 (2d Cir. 1982))).

- Appearances -

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